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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/930,422	08/15/2001	Peter Ar-Fu Lam	DISPMT1	1550

7590 08/20/2010

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EXAMINER	
BUCHANAN, CHRISTOPHER R	

ART UNIT	PAPER NUMBER
3627	

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08/20/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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In re Application of :
Peter Ar-Fu Lam :
Application No. 09/930,422 :
Filed: August 15, 2001 :
For: BODY PROFILE CODING METHOD :
AND APPARATUS USEFUL FOR ASSISTING :
USERS TO SELECT WEARING APPAREL :

DECISION ON PETITION
UNDER 37 CFR §1.181

This is a decision on applicant's communication denominated "Renewed Petition to Director - according to 37 CFR 1.181(a)(1)" filed May 10, 2010, which will be treated as a petition requesting supervisory review.

The petition is **DISMISSED**.

Petitioner asserts that "upon repeatedly review [of] the [December 22, 2009] office action, and fully considered the guideline provided by the [March 11, 2010] decision, the applicant is still unable to understand how the m different physical dimensional parameters are disclosed by Spackova." Petitioner requests supervisory review of "the language of the office action and help applicant to understand the meaning of the office action."

Discussion

A review of the final Office action mailed December 22, 2009 indicates that claim 40 is rejected under 35 USC 103(a) as being obvious over Spackova in view of Aisaka. In regards to petitioner's request for an explanation of how the limitation "specifying the positions of the body to be measured for defining m different physical dimensional parameters of said human body" is taught by Spackova, the examiner indicates in the December 22, 2009 that "indicia (74) shown in Fig. 3 specify the position" and that "the indicia segments (72) and coded indicia (74) are used to define various physical parameters of a subject wearing a form fitting garment, col. 4, line 1+, see Fig. 3." Accordingly, the examiner has clearly set forth the features of Spackova that disclose the claimed limitation. Accordingly, no further clarification is needed.

If petitioner is of the opinion that Spackova does not teach the limitation "specifying the positions of the body to be measured for defining m different physical dimensional

parameters of said human body," the question thereby raised is related to the merits, and thus is not petitionable, as set forth in MPEP 1201.

It is noted that a non-final Office action was mailed June 2, 2010 in response to the Request for Continued Examination filed March 11, 2010. The application will be returned to the examiner's docket awaiting a response to the June 2, 2010 Office action.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.181."

Questions concerning this decision should be referred to Teri Luu, Quality Assurance Specialist, at (571) 272-7045.

Wynn Coggins
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WG/tl: 08/18/10

TL